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PTO/SB/19 (8-96)  
Approved for use through 9/30/98. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# NEW PLANT PATENT APPLICATION TRANSMITTAL

(to be used for new applications only)

Attorney Docket Number

W-3941

First Named Inventor

JOSEPH MARANTO

Total Pages in this Submission

17410 U.S. PTO  
10/624709  
07/21/03

## APPLICATION ELEMENTS

Notice: Checklist items mentioned under Application Elements section construct a new plant patent application. Please refer to MPEP Sections 506, 601, 1600 (37 CFR 1.53, 35 USC 111, 112, 113) for detailed explanation regarding completeness of an original plant application.

## ACCOMPANYING APPLICATION PARTS

1. ☒ Fee Transmittal Form (prescribed filing fee(s))

### 2. Specification

☒ Title of the Invention (with Plant's name)

☒ Cross References to Related Applications (if applicable)

☒ Statement Regarding Federally-sponsored Research/Development (if applicable)

☒ Background of the Invention

☒ Brief Summary of the Invention

☒ Brief Description of the Drawings

☒ Detailed Botanical Description

☒ Claim

☒ Abstract of the Disclosure

3. ☒ Drawing(s) in duplicate (as prescribed by 35 USC 165)

4. ☒ Executed Declaration

5. ☒ Plant Color Coding Sheet

6. ☒ Assignment Papers

7. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

8. ☐ English Translation Document (if applicable)

9. ☒ Information Disclosure Statement/PTO-1449 ☐ N/A Copies of IDS Citations

10. ☐ Petition Checklist and Accompanying Petition

11. ☐ Preliminary Amendment

12. ☐ Proprietary Information

13. ☒ Return Receipt Postcard

14. ☒ Small Entity Statement

15. ☒ Additional Enclosures (please identify below):

Copy of Specification for U.S. Department of Agriculture; Transmittal of DNA Profile of the grapevine of the subject invention

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

WORREL & WORREL  
Rodney K. Worrel

Signature

*Rodney K. Worrel*

Date

7/21/03

## FOR OFFICIAL USE ONLY

Application Number		Class		Independent Claims	
Date of Receipt	Application Type	GAU		Total Claims	
	Filing Dat	Foreign Filing License?		Drawing Sheets	
	Small Entity	Foreign Address?		Special Handling?	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Express Mail Label No.: EL557780130US

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PTO/SB/20 (8-96)  
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<b>PLANT COLOR CODING SHEET</b> <i>(to be used for new applications only)</i>				Attorney Docket Number		W-3941	
				First Named Inventor		JOSEPH MARANTO	
				<b>FOR OFFICIAL USE ONLY</b>			
				Date of Receipt			
Sheet	1	of	1	Application Number			

PLEASE LIST THE ITEM TO WHICH COLOR IS A DISTINGUISHING FEATURE, THE COLOR CODE WHICH BEST REPRESENTS THAT PLANT STRUCTURE AND THE COLOR CODE SYSTEM.

ITEM		COLOR
VINE:	Bark: Underbark:	Dark brown (8-E-11) Medium brown (7-C-12 India Tan)
LEAVES:	Dorsal surface: Ventral surface:  Leaf vein - midrib	Green (22-J-8) Pale green (22-J-5 Leek green) Grape green (21-J-1)
FLOWERS:	Pistils:	Green (22-L-5 Cerro green)
FRUIT:	Skin:	Olive green (15-L-4) with some amber lime yellow (11-L-5)
COLOR CODE SYSTEM:		Dictionary of Color, Maerz & Paul, 1st edition, 1930.

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Express Mail Label No.: EL557780130US

07/21/03

# FEE TRANSMITTAL

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	JOSEPH MARANTO
Group Art Unit	
Examiner Name	
Attorney Docket Number	W-3941

TOTAL AMOUNT OF PAYMENT (\$300.00)

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number  
Deposit  
Account  
Name

23-3185

WORREL & WORREL

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Making of the Notice of Allowance, 37 CFR 1.311(b)

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

## FEE CALCULATION (fees effective 10/01/96)

### 1. FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 770	201 385	Utility filing fee	
106 320	206 160	Design filing fee	
107 530	207 265	Plant filing fee	260.00
108 770	208 385	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$260.00)

### 2. CLAIMS

Total Claims	Extra	Fee from below	Fee Paid
1 - 20 =	0	X	0
Independent Claims 1 - 3 =	0	X	0
Multiple Dependent Claims	0	X	0

### Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 22	203 11	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 260	204 130	Multiple dependent claim
109 80	209 40	Reissue independent claims over original patent
110 22	210 11	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet.	
139 130	139 130	Non-English specification	
147 2,460	147 2,460	For filing a request for reexamination	
112 900	112 900	Requesting publication of SIR prior to Examiner action	
113 1,790	113 1,790	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for response within first month	
116 390	216 195	Extension for response within second month	
117 930	217 465	Extension for response within third month	
118 1,470	218 735	Extension for response within fourth month	
119 300	219 150	Notice of Appeal	
120 300	220 150	Filing a brief in support of an appeal	
121 260	221 130	Request for oral hearing	
138 1,470	138 1,470	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive unavoidably abandoned application	
141 1,290	241 645	Petition to revive unintentionally abandoned application	
142 1,290	242 645	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 650	244 325	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 230	126 230	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	40.00
146 770	246 385	Filing a submission after final rejection (37 CFR 1.129(a))	
149 770	249 385	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

SUBTOTAL (3) (\$40.00)

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Typed or Printed Name **Rodney K. Worrel**

Signature

*Rodney K. Worrel*

Date

7/21/03

## Complete (if applicable)

Reg. Number **27,475**

Deposit Account User ID **23-3185**

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Attorney's Docket No. W-3941**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Joseph Maranto  
Serial No.: Group No.:  
Filed: Examiner:  
For: Grapevine Denominated "Margaux"

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

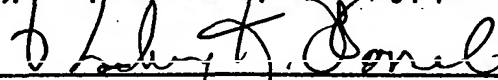
**EXPRESS MAIL CERTIFICATE**"Express Mail" label number EL557780130USDate of Deposit July 21, 2003

I hereby certify that the following attached paper or fee Copy of Specification; New Plant Patent Application Transmittal; Fee Transmittal Form; check in the amount of \$260.00; Recordation Form Cover Sheet (PTO-1595); check in the amount of \$40.00; Assignment; Title of the Invention; Cross References to Related Applications; Statement regarding Federally-Sponsored Research/Development; Background of the Invention; Brief Summary of the Invention; Brief Description of the Drawing; Detailed Botanical Description; Claim; Abstract; (2) Photographs; Plant Patent Application Declaration; Plant Color Coding Sheet; Submission of Verified Statement; Small Entity Statement - Independent Inventor; Small Entity Statement - Non-Inventor Supporting Claim; Information Disclosure Statement (PTO-1449); Transmittal of DNA Profile of the grapevine of the Subject Invention; and return card.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rodney K. Worrel

(typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

**NOTE:** Each paper must have its own certificate and the "Express Mail" label number as a part thereof or attached thereto. When, as here, the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper or fee it accompanies. Identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g. complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor(s) and the title of the invention.

**NOTE:** The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificat [8-3])

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRANSMITTAL OF DEOXYRIBONUCLEIC ACID (DNA) PROFILE  
OF THE GRAPEVINE OF THE SUBJECT INVENTION  
DENOMINATED "MARGAUX"**

Applicant	:JOSEPH MARANTO	)	
Serial No.	:	)	
Filed	:	)	Art Unit:
For	:GRAPEVINE DENOMINATED "MARGAUX"	)	
Examiner	:	)	

Honorable Commissioner of Patents  
and Trademarks  
Washington, D. C. 20231

Fresno, California

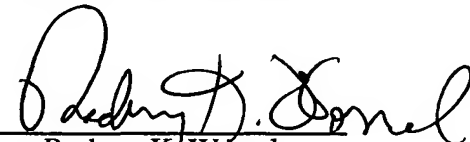
Sir:

Attached hereto is the deoxyribonucleic acid (DNA) profile of the grapevine of the subject invention performed by the Meredith Lab of the Department Of Viticulture and Enology of the University of California, Davis and reported to the assignee of the subject plant patent application by letter of March 12, 2002.

The DNA profile hereof includes the cover letter of March 12, 2002 from Jerry Dangl, Staff Research Associate and the attached DNA profile itself of the grapevine of the instant invention identified in the DNA profile as "Margaux." Also listed is the DNA profile for a distinct grapevine identified as "Blanc" which is the subject of a separate plant patent application.

The applicant hereby respectfully requests that the attached cover letter and DNA profile be filed in this case.

BY: WORREL & WORREL

By   
Rodney K. Worrel,  
Registration No. 27,475

Attorney of Record for Applicant

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FAX: (530) 752-0382  
E-MAIL: gsdangl@ucdavis.edu

15 March 2002

Anton Caratan  
Anton Caratan & Son  
1625 Road 160  
Delano, CA 93215

MAR 25 2002

Dear Mr. Caratan,

On October 24, 2001, we received leaf samples contained in four envelopes labeled as follows:

Blanc, Row 273, Vine#28  
Blanc, Row 278, Vine#22  
Margaux, Row 258, Vine#5  
Margaux, Row 259, Vine#3.

We treated the four envelopes as separate samples and extracted DNA from leaves of each envelope. On the enclosed sheet please find the DNA profile for these samples.

The DNA was typed with 10 grape microsatellite DNA markers. The consensus in the grape genetics research community is that 6 such markers are sufficient to differentiate all grape varieties except sports, so the use of 10 markers provides a very high degree of confidence that the profiles we have obtained are unique to your varieties.

Yours truly,

Jerry Dangel  
Staff Research Associate

RECEIVED

MAR 05 2002

Meredith Lab, University of California, Davis

15 March 2002

## Allele sizes in base pairs for 10 microsatellite DNA markers

Sample Name	VVS2*	VVMD5*	VVMD7*	VVMD27*	VrZAG62*	VrZAG79*	VVMD6	VVMD28	VVMD31	VVMD32
Blanc, Row 273, Vine#28	135 151	228 236	239 249	181 184	187 188	247 257	214 ---	261 ---	212 ---	253 265
Blanc, Row 278, Vine#22	135 151	228 236	239 249	181 194	187 189	247 257	214 ---	261 ---	212 ---	253 265
Margaux, Row 258, Vine#5	135 151	228 236	249 ---	181 194	187 205	247 ---	214 ---	261 ---	212 220	265 273
Margaux, Row 259, Vine#3	135 151	228 236	249 ---	181 194	187 205	247 ---	214 ---	261 ---	212 220	265 273

\*The 6 markers indicated by an asterisk have been adopted by the European Union Grape Genetic Resources Working Group and the Meredith Lab as common markers to facilitate exchange of data among grape research laboratories.

Note: The base pair numbers used to designate grape microsatellite alleles may differ slightly between laboratories because of differences in methodology. Non-numerical allele designations have not yet been adopted by the grape genetics research community. Adjustments for inter-laboratory differences can be made by referencing common cultivars that have the same alleles as the samples being analyzed. The alleles indicated above are also observed in the following cultivars:

Marker	Allele	Reference cultivars
VVS2	135	Muscat Hamburg (small allele), Dattier (large allele)
	151	Thompson Seedless (large), Flame Seedless (large)
VVMD5	228	Crimson Seedless (small), Ruby Seedless (small)
	236	Crimson Seedless (large), Ruby Seedless (large)
VVMD7	239	Thompson Seedless (small), Flame Seedless (small)
	249	Crimson Seedless (large), Ruby Seedless (large)
VVMD27	181	Thompson Seedless (small), Flame Seedless (small)
	184	Thompson Seedless (large), Ruby Seedless (only allele)
VrZAG62	187	Dattier (small), Muscat of Alexandria (small)
	189	Thompson Seedless (only allele), Perlette (small)
	205	Perlette (large), Ruby Seedless (large)

Marker	Allele	Reference cultivars
VrZAG79	247	Thompson Seedless (small), Perlette (small)
	257	Ruby Seedless (small), Grenache (only allele)
VVMD6	214	Muscat of Alexandria (large), Muscat Hamburg (large)
VVMD28	261	Dattier (large allele), Carignane (large)
VVMD31	212	Flame Seedless (only allele), Perlette (only allele)
	220	Crimson Seedless (large), Ruby Seedless (large)
VVMD32	253	Thompson Seedless (only allele), Perlette (small)
	265	Crimson Seedless (large), Ruby Seedless (large)
	273	Perlette (large), Flame Seedless (large)